

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
FEBRUARY 20, 1980

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. Wednesday, February 20, 1980 in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - HUGHES, KATNICH, MC CARTY,
PINKERTON, AND KATZAKIAN (MAYOR)

Absent: Councilmen - None

Also

Present: City Manager Glaves, Assistant City Manager Glenn, Public Works Director Ronsko, Community Development Director Schroeder, City Attorney Stein, and City Clerk Reimche

INVOCATION . The invocation was given by Reverend Richard Lungren,
First Methodist Church.

PLEDGE Mayor Katzakian led the Pledge of Allegiance to the flag.

MINUTES On motion of Mayor Pro Tempore Katnich, Pinkerton second, Council approved the Minutes of February 6, 1980 as written and mailed.

PROCLAMATION Mayor Katzakian proclaimed the week of February 21, 1980 as "Rotary Week" and presented the proclamation to H. T. Woodworth.

PUBLIC HEARINGS

Notice thereof having been published in accordance with the law and affidavit of publication being on file in the Office of the City Clerk, Mayor Katzakian called for the Public Hearing to consider the appeal of the Century Assembly Church of the Planning Commission's denial of a variance on a fence height at 2220 Scarborough Drive, Lodi.

The matter was introduced by Community Development Director Schroeder who presented diagrams of the subject area for Council's perusal and responded to questions regarding the matter as were directed by Council.

Reverend Harold Duncan, Senior Pastor of the Lodi Century Assembly Church, Corner South Hutchins and Century Boulevard, Lodi spoke on behalf of the appeal.

Council discussion followed with questions regarding the matter being directed to Staff and to Reverend Duncan. There being no other persons wishing to speak on the matter, the public portion of the hearing was closed.

VARIANCE ON
FENCE HEIGHT AT
CENTURY ASSEMBLY
CHURCH SITE
APPROVED

On motion of Mayor Pro Tempore Katnich, Pinkerton second, Council approved the appeal of Reverend Gordon Elmes on behalf of the Century Assembly Church of the Planning Commission denial of a variance to permit the erection of a 6 foot height fence in the required front yard area at 2220 Scarborough Drive, Lodi in an area zoned P-D(4), Planned Development District No. 4 with the following conditions:

February 20, 1980, continued

- 1) that the fence shall maintain a set back of 20 feet from the south property line to a point north of the proposed driveway serving the parcel.
- 2) that from the point north of said driveway the fence shall follow the outside of an existing running tract until it reaches a maximum set back of 6 feet from the street property line and
- 3) that the fence be set back a distance of 6 feet from the street property line for the remaining frontage of said parcel.

The motion carried by unanimous vote.

PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of February 11, 1980.

ABANDON A PUBLIC
UTILITY EASE-
MENT AT 730 W.
KETTLEMAN

FOR ACTION OF THE CITY COUNCIL

1. Determined that no public need existed and recommended that the City Council abandon a public utility easement in the Vineyard Shopping Center at 730 West Kettleman Lane.

ABANDON A POR-
TION OF S.
HUTCHINS ST. AT
1902 S. HUTCHINS

2. Determined that no public need existed and recommended that the City Council approve the request of Mr. Max Hittle to abandon a portion of South Hutchins Street in 1902 South Hutchins Street.

ITEMS OF
INTEREST

ACTIONS OF INTEREST TO THE CITY COUNCIL

1. Conditionally approved the request of Bennett-Arnold Development Company for the approval of the Tentative Subdivision Map for a 20-unit Planned Unit Development project at 511 Murray Street in an area zoned C-1, Neighborhood Commercial.
2. Conditionally approved the request of Mr. Wayne Johnson to divide Lot 7, Maxwell Industrial Park (i.e. 1730 Ackerman Drive) into two parcels in an area zoned M-2, Heavy Industrial.
3. Conditionally approved the request of Mr. John Zabelle to create two parcels from 4 lots at 716 Peach Street and 2001, 2009, and 2017 Cochran Road in an area zoned R-1, Single-Family Residential.
4. Determined that a Zoning Hardship did not exist and denied the request of Mr. Carmelo T. Maggio for a Variance to reduce the required driveway length from 20 feet to 17 feet 9 inches to permit the enlargement and enclosure of a carport at 901 Greenwood Drive in an area zoned R-1, Single-Family Residential.
5. Determined that the pre-existing conditions constituted a Zoning hardship and approved the request of Mr. Dean Bender for a Variance to reduce the required interior sideyard from 5 feet to 4 feet to permit an addition to a single-family dwelling at 535 Ribier Avenue in an area zoned R-2, Single-Family Residential.

February 20, 1980, continued

Mayor Katzakian asked to abstain from discussion and voting on the following matter, because of a possible conflict of interest.

Following introduction of the matter by City Clerk Reimche, Council on motion of Mayor Pro Tempore Katnich, McCarty second, set the following matters for Public Hearing at an adjourned regular meeting to be held Tuesday, March 11, 1980 at 7:30 p.m.

1. Recommended the approval of the Amendment of the Land Use Element of the General Plan (i.e. GP-LU-80) which encompasses the following changes:
 - a. to designate the 3.86 acre parcel at 450 North Cherokee Lane as Medium Industrial;
 - b. to designate the parcel at 1000 West Vine Street as Office-Institutional; and
 - c. to designate the parcel at 975 South Fairmont Avenue (i.e. Lodi Memorial Hospital) as Office-Institutional.
2. Certified as adequate recommended the Negative Declaration filed by the Community Development Director on the request of Mr. Weldon Moss to rezone the 3.86 acre parcel at 450 North Cherokee Lane from C-2, General Commercial to M-1, Light Industrial.
3. Recommended approval of the request of Mr. Weldon Moss to rezone the 3.86 acre parcel at 450 North Cherokee Lane from C-2, General Commercial to M-1, Light Industrial.
4. Certified as adequate and recommended to the City Council the Iris Drive and Vine Street Final Environmental Impact Report No. EIR-79-4.
5. Recommended the approval of Dr. Dennis R. Swanson, et al to rezone the parcel at 1000 West Vine Street from R-1, Single-Family Residential to R-C-P, Residential-Commercial-Professional.
6. Recommended approval of the request of Mr. Richard Sandford, Administrator on behalf of Lodi Memorial Hospital to rezone the existing hospital property at 975 South Fairmont Avenue from R-HD, High Density Multiple Family Residential to R-C-P, Residential-Commercial-Professional.
7. Certified as adequate and recommended the Southeast Lodi Final Environmental Impact Report No. EIR-79-3.
8. Recommended approval of the request of Genie Development, Inc. on behalf of Ms. Clarice Tandy, et al to prezone the Tandy Ranch Reorganization which is located on the south side of Almond Drive, westerly of South Cherokee Lane to P-D(19) Planned Development District No. 19 for residential use consistent with the General Plan.
9. Recommended approval of the request of Genie Development, Inc. on behalf of Ms. Mary Miller Johnson to prezone the Johnson Ranch Reorganization except for the easterly 300 feet which is located on the west side of South Cherokee Lane, north and south of the future extension of Century Boulevard to P-D(19), Planned Development District No. 19 for residential use consistent with the General Plan.

February 20, 1980, continued

No action was taken on the easterly 300 feet because the proposed commercial zoning was not consistent with the General Plan.

The motion carried by the following vote:

Ayes: Councilmen - Hughes, McCarty, Katnich, and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - None

Abstain: Councilmen - Katzakian

NUMEROUS ITEMS On motion of Councilman Pinkerton, Hughes second, INCLUDING APPEALS Council, by the following vote set the following SET FOR PUBLIC appeals for Public Hearing at an adjourned regular HEARING TUESDAY, meeting to be held Tuesday, March 11, 1980: MARCH 11, 1980

1. Appeal of Genie Development, Inc. of the Lodi Planning Commission's denial of the General Plan Amendment and Rezoning of the Section noted commercial in the Johnson Ranch PD-19.
2. Appeal by Robert Evans, California Property Enterprises, of the Planning Commission's decision of Jan. 28, denying the proposed amendment of the land use element of the General Plan, 510 Almond Drive.
3. Appeal of Jerry D. Cox of Planning Commission's denial to rezone one acre parcel at 1438 Iris Drive from R-1 to RGA.
4. Appeal of Shirley Lucchesi of Planning Commission's decision regarding 1430 Iris Drive.

Ayes: Councilmen - Hughes, Katnich, McCarty and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - None

Abstain: Councilmen - Katzakian

COMMUNICATIONS

City Clerk Reimche presented the following Application for Alcoholic Beverage License which had been received:

ABC LICENSE

Mitchell's Pizza - Mitchell, Leon H./Winifred K. and Small, Ralph A., 100 S. Cherokee Lane, Lodi, New License

PUC APPLICATION

City Clerk Reimche apprised the Council that correspondence had been received from PG & E Company giving notice that in Application No. 59406, PG & E has requested authorization to revise its gas service tariff effective Feb. 17, 1980 or as soon thereafter as possible.

APPEALS

City Clerk Reimche presented the following letters of appeal that had been received and which in a previous action had been set for Public Hearing to be held at 7:30 p.m., on March 11, 1980:

- a. Genie Development, Inc. appeal of the General Plan Amendment and Rezoning of the section noted "commercial" in the Johnson Ranch PD-19.
- b. Request of Jerry D. Cox for a review and reversal of the denial of petition re 1438 Iris Drive from R-GA.

February 20, 1980, continued

REPORTS OF THE CITY MANAGER In accordance with report and recommendation of the City Manager, the following actions, hereby set forth between asterisks, on motion of Councilman Pinkerton, Hughes second, were approved by the Council.

CONSENT
CALENDAR

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,068,903.82.

Council was apprised that Dean Pearson and Clarence Blewett, the developers of 1520 Iris Drive, Lodi have furnished the City with the parcel map and the development improvement plans, as well as the necessary agreements, instruments of credit and development fees for the proposed development. This development consists of a parcel split located at Atherton Drive and Iris Drive.

APPROVE DEVELOPMENT AGREEMENT BLEWETT/PEARSON 1520 IRIS DRIVE COUNCIL APPROVED THE DEVELOPMENT AGREEMENT AND THE IMPROVEMENT SECURITY FOR THE DEVELOPMENT AT 1520 IRIS DRIVE, LODI AND DIRECTED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY.

RESOLUTION NO. 80-33

SUPPLEMENT AGREEMENT WITH STATE APPROVED COUNCIL APPROVED A SUPPLEMENTAL AGREEMENT WITH THE STATE OF CALIFORNIA COVERING USE OF 169.1 STATE MATCHING FUNDS FOR RAILROAD CROSSING IMPROVEMENTS AS LISTED BELOW AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

RES. NO. 80-33

LOCATION	TOTAL PROJECT COST	FEDERAL FUNDING (90%)	LOCAL SHARE (10%) STATE 169.1 FUNDS
Lodi Ave.	\$123,250	\$110,925	\$12,325

RESOLUTION NO. 80-34

LOT LINE ADJUSTMENT 504-508 WEST LOCKEFORD STR. LODI COUNCIL ADOPTED RESOLUTION NO. 80-34 - "RESOLUTION APPROVING A LOT LINE ADJUSTMENT AT 504-508 WEST LOCKEFORD STREET, LODI"

RES. NO. 80-34

RES. OF SUPPORT FOR CONTINUATION OF THE ABANDONED VEHICLE ABATEMENT PROGRAM Council was apprised that the City of Lodi has had an abandoned vehicle abatement ordinance and program since 1963 and has participated in the State sponsored AVA Program since 1973. More than 100 vehicles in Lodi have been towed for dismantling by a licensed contractor since 1973. In addition, more than 400 abandoned autos in the City were legally stored out of sight, removed from the area, or restored to operation during this time as a direct result of enforcement action.

RES. NO. 80-35

RESOLUTION NO. 80-35

RESOLUTION OF SUPPORT FOR THE CONTINUATION OF THE ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM

Following introduction of the matter of Public Works Director Ronsko, Mr. Gary Kroll, 677 E. Lockeford Str., Lodi addressed the City Council apprising them of some of the problems he is encountering concerning drainage at his property which is located adjacent to the Phillips Petroleum Company at 351 North Beckman Road, Lodi. Mr. Kroll

February 20, 1980, continued

stated that as a result of the drainage problem, he is encountering flooding in his basement; petroleum residue on the water flooding his property and a heavy amount of debris collecting on his property.

Mr. Kroll stated that he feels the only solution to the problem would be for Mr. Jim Thorpe owner of the parcel at 351 North Beckman Rd., Lodi to install the curb, gutter, sidewalk and full street improvements at this time. Mr. Kroll also indicated that he would be willing to install such improvements on his property at this time.

Council was reminded that following an appeal by Mr. Jim Thorpe in June, 1977, Council deferred the installation of these improvements on the parcel located at 351 N. Beckman Road, Lodi.

Mr. Jim Thorpe, 351 N. Beckman Road, Lodi then addressed the Council stating that he is willing to install the curb, gutter, sidewalk and full street improvements at this time; however, he had a problem with the required 30 foot driveways. Mr. Thorpe elaborated on the problems his operation would encounter with driveways of this size.

A lengthy Council discussion followed with questions being directed to Staff.

REQUEST FOR
INSTALLATION OF
THORPE'S OFFSITE
IMPROVEMENTS
(351 N. BECKMAN
ROAD, LODI)

On motion of Councilman McCarty, Pinkerton second, Council directed Staff to contact PG & E regarding the installation of curb, gutter, sidewalk, driveway and street improvements on their property located in the vicinity of 351 N. Beckman Road, and further directed that Mr. Jim Thorpe, 351 N. Beckman Road, Lodi and Mr. Gary Kroll, 677 E. Lockeford Street, Lodi are to install curb, gutter, sidewalk, driveway, and street improvements on their respective parcels. Staff was directed to work with Mr. Thorpe on ingress and egress to his parcel which would be compatible to his petroleum distributing business.

UNAUTHORIZED
WATER SERVICE AT
1880 S. HUTCHINS
STREET

Agenda Item "g" - "Unauthorized water service at 1880 S. Hutchins Street, Lodi" was introduced by City Manager Graves. Council was reminded that following an appeal by Mr. Jake Ferguson of an unauthorized service at the above address, Council authorized a six month extension or until Thursday, February 1, 1980 for Mr. Ferguson to provide himself with the appropriate water extension in the Hutchins Street frontage road and the applicable water service to the subject residence.

On January 16, 1980 a letter went forward from Jack Ronsko, Public Works Director to Mr. Ferguson reminding Mr. Ferguson that if he has not provided himself with the appropriate water extension and water service by February 2, 1980, the City would be forced to terminate the unauthorized connection to the City's system.

Council was informed that a letter had been received from Mr. Gene Walton, Attorney-at-law representing Mr. Ferguson advising that the property that is located behind the property of Mr. and Mrs. Ferguson on Hutchins Street has been sold by Commercial Western Finance Corporation and that his office has been informed that the new purchaser is surveying the property and will be developing such property in the immediate future and thus the problem will be taken care of at the time of such development.

February 20, 1980, continued

Mr. Gene G. Walton was present in the audience and spoke on behalf of Mr. Ferguson stating that Mr. Ferguson would be willing to submit a letter of credit due and payable to make the necessary repairs within 8 months.

Following a lengthy discussion with questions being directed to Mr. Walton and to Staff and with a motion being made by Councilman McCarty and Pinkerton and subsequently withdrawn, Council, on motion of Councilman Hughes, McCarty second, directed Mr. J. M. Ferguson to install the required water extension and service to his property located at 1880 S. Hutchins Street, Lodi in conjunction with the installation being done by the Lodi Sports Center on an adjoining parcel. Further, if the water extension and service on the Ferguson parcel is not completed within 30 days following completion of the Lodi Sports Center installation, Staff was directed to disconnect the unauthorized water service at 1880 S. Hutchins Street, Lodi.

ENGINEERING
DIVISION REOR-
GANIZATION
APPROVED

2334

Following introduction of the matter by City Manager Glaves, Council on motion of Councilman Hughes, Katnich second, approved job specifications for the Supervising Engineering Aide position and authorized a reorganization in the Engineering Division of the Public Works Department thereby providing for two Supervising Engineering Aides and reducing the number of Engineering Assistants to one.

RECESS

Mayor Katzakian declared a 5-minute recess and the Council reconvened at approximately 9:20 p.m.

"OLD" TOKAY HIGH
SCHOOL SITE

2975

Following introduction of the matter by City Manager Glaves, Ben Schaffer reported to the Council on the efforts of the Non-profit Foundation which he chairs in attempting to raise funds for the purchase of the "Old" Tokay High School Site. It was reported that a surge of pledges and donations in the last few days has fattened the non-profit foundation treasury toward the purchase of the site from \$11,500 to more than \$240,000. Mr. Schaffer asked that the City exercise its option and give the group additional fund raising time.

Further testimony concerning the subject and supporting the City exercising the option was given by the following persons:

- a) Mr. Lindsay Marshall, 703 West Pine Street, Lodi
- b) Mr. Robert Rinn, 228 W. Pine Street, Lodi
- c) Mrs. Sheri Mallory, 2216 Cabrillo Circle, Lodi
- d) Jerry Jones, 331 Rutledge Drive, Lodi
- e) Ken Boyd, 1540 Edgewood Drive, Lodi
- f) James Culbertson, 641 N. Pacific Ave, Lodi.
- g) Dr. James Cross, 845 S. Fairmont Ave., Lodi
Dr. Cross urged that City develop the site, however, if the City is not in a position to do so, it should exit from the picture.

Also urging the City to exercise the option were the following persons:

- a) Ivan Suess, 723 S. Mills Ave., Lodi

February 20, 1980, continued

b) Larry Mallory, Cabrillo Circle, Lodi

c) Cecil Mumbert, 20 S. Crescent Ave., Lodi

Mrs. Nancy Jones, Board Member of the Lodi Unified School District Board of Trustees addressed the Council giving the following statement relative to the "Old" Tokay High School Site option:

In April of 1975, the Lodi Unified School District and the City of Lodi entered into an agreement whereby the City of Lodi received an option to purchase from the District the Old Tokay High School Site upon abandonment of the site for school purposes. At the time this agreement was entered into, it was the expressed desire of both parties to see the site preserved for community use through the development of a cultural center on the property.

The Governing Board of Lodi Unified School District respectfully requests that if the City is not to purchase the site for development of cultural center, the City decline the option on the property.

Mr. Ed Pinkering, 9015 Hope Lane, Stockton addressed the Council stating he wants Council to purchase site only if the Council is going to exercise the option with the good faith intention of developing a Community Center on the site.

Mr. Bob Murphy, 746 Plam Avenue, Lodi stated that he feels the majority is asking for the purchase of the site, however consideration must be given to what the maintenance costs will be for the site. Mr. Murphy further stated that the profits of the sale should be shared by both entities, should the property be sold.

A very lengthy discussion with questions being directed to staff and to persons who had given testimony followed.

On motion of Councilman Hughes, Katnich second, Staff was directed to determine from what City source the \$475,000 required for the purchase of the "Old" Tokay High School Site would be derived; what effect the expenditure of these funds would have until the money is raised by the committee on the City's normal operations; further, what it would take to maintain the site under a "bare bones" plan, should the City elect to purchase the site.

ORDINANCES

SPECIFIC PLAN
FOR ALMOND DRIVE
BETWEEN S.
STOCKTON AND S.
CHEROKEE LANE

ORD. NO. 1189
ADOPTED

Ordinance No. 1189, entitled, "An Ordinance Adopting a Specific Plan for the Ultimate Development of Almond Drive between South Stockton Street and South Cherokee Lane" having been introduced at a regular meeting held February 6, 1980 was brought up for passage on motion of Councilman Pinkerton, Katnich second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

February 20, 1980, continued

Ayes: Councilmen - HUGHES, KATNICH, MC CARTY
PINKERTON, AND KATZAKIAN

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business to come before the Council, Mayor Katzakian adjourned the meeting at 10:30 p.m.

Attest:

Alice M. Reimche
ALICE M. REIMCHE
City Clerk